

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

BWP MEDIA USA, INC. d/b/a PACIFIC COAST
NEWS and NATIONAL PHOTO GROUP, LLC,

Plaintiffs,

v.

GOSSIP COP MEDIA, LLC,

Defendant.

C.A. No.: 13-cv-07574 (KPF)

**GOSSIP COP MEDIA, LLC'S NOTICE OF MOTION TO DISMISS
THE AMENDED COMPLAINT PURSUANT TO RULE 12(B)(6), OR, IN THE
ALTERNATIVE, RULE 56 OF THE FEDERAL RULES OF CIVIL PROCEDURE**

PLEASE TAKE NOTICE that, pursuant to this Court's Order of March 4, 2014 (*Dkt.* 17), and upon the accompanying memorandum of law and concurrently filed declaration of Yuval H. Marcus, Esq., copies of which are hereby served upon you, and all of the pleadings and proceedings had herein, Defendant, Gossip Cop Media, LLC ("Gossip Cop"), will move this Court, before the Honorable Katherine P. Failla, United States District Judge for the Southern District of New York, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 1007, at such time and date as the Court shall set, for an Order: (i) dismissing Plaintiffs' Amended Complaint in its entirety, and with prejudice, pursuant to Rule 12(b)(6), or, in the alternative, Rule 56¹ of the Federal Rules of Civil Procedure and (ii) awarding Gossip Cop any further relief this Court deems just and equitable including, but not limited to, Gossip Cop's reasonable attorneys' fees and costs incurred in connection with the instant motion.

¹ If the Court finds the evidence contained in the exhibits to Gossip Cop's motion are not properly before it on a motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure ("FRCP"), the Court may nevertheless consider such evidence. However, if the Court considers the evidence, it must convert the instant motion to dismiss into a motion for summary judgment under FRCP 56. *See* FRCP 12(d).

Dated: March 21, 2014
White Plains, New York

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'yhc', is positioned above the typed name of Yuval H. Marcus.

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CERTIFICATE OF SERVICE

It is hereby certified that on March 21, 2014 a true and correct copy of the foregoing **Gossip Cop Media LLC's Notice of Motion to Dismiss the Amended Complaint Pursuant to Rule 12(b)(6), or, in the Alternative, Rule 56 of the Federal Rules of Civil Procedure** was served via operation of the Court's ECF filing system, as well as by electronic and First Class mail, upon the following counsel of record for Plaintiffs:

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